

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CINSAY, INC.,

Plaintiff,

vs.

JOYUS, INC. and BRIGHTCOVE, INC.,

Defendants.

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CASE NO. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement by Cinsay, Inc. against Joyus, Inc. and Brightcove, Inc.

I. PARTIES

1. Plaintiff Cinsay, Inc. (“Cinsay”) is a Nevada corporation with its principal place of business in Dallas, Texas.

2. Defendant Joyus, Inc. (“Joyus”), f/k/a ProjectJ Corporation, is a Delaware corporation with its principal place of business in San Francisco, California. Joyus has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

3. Defendant Brightcove, Inc. (“Brightcove”) is a Delaware corporation with its principal place of business in Boston, Massachusetts. Brightcove has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

II. JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). Defendants have transacted business in this District and have committed and/or induced acts of patent infringement in this District.

6. This Court has personal jurisdiction over Defendants because the infringing methods, systems and/or software, as described below, have been and continue to be directed to or used by consumers in the State of Texas and the Northern District of Texas. Defendants have committed acts of infringement in violation of 35 U.S.C. § 271 and directly or indirectly placed these infringing methods, systems and/or software into the stream of commerce with the knowledge or understanding that such methods, systems and/or software are used in this State and this District.

7. Upon information and belief, Defendants regularly do business and/or solicit business in Texas and in this District.

8. Cinsay has its principal place of business in this District. Defendants' acts cause injury to Cinsay within the District.

III. COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 8,312,486

9. Cinsay is the owner by assignment of United States Patent No. 8,312,486 ("the '486 Patent") entitled Interactive Product Placement System and Method Therefor. The '486 Patent issued on November 13, 2012. A true and correct copy of the '486 Patent is attached as **Exhibit A**.

10. Defendant Joyus has been and is now directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of, the '486 Patent in the

State of Texas, in this Judicial District, and elsewhere in the United States by, among other things, making, using, offering to sell, selling, and/or importing methods, systems, software, and/or a non-transitory computer readable medium covered by one or more claims of the '486 Patent within the United States, including in connection with various websites (including but not limited to www.joyus.com).

11. Methods, systems, and/or software made, used, offered for sale, or sold by Joyus that infringe the '486 Patent include, but are not limited to, videos with product placement, including videos created by or with Brightcove. These videos can be and are viewed and the video players are used by users who visit various websites, including but not limited to www.joyus.com, or other third-party websites.

12. Additionally and/or in the alternative, Defendant Joyus is inducing Brightcove to infringe the '486 Patent by its direction and control of Brightcove and its activities related to various websites, including but not limited to www.joyus.com.

13. Defendant Joyus is thus liable for infringement of the '486 Patent pursuant to 35 U.S.C. § 271. Defendant Joyus has written notice of its infringement by virtue of the filing and service of this Complaint.

14. Defendant Brightcove has been and is now directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of, the '486 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States by, among other things, making, using, offering to sell, selling, and/or importing methods, systems, software, and/or a non-transitory computer readable medium covered by one or more claims of the '486 Patent within the United States, including in connection with various websites (including but not limited to www.brightcove.com and www.joyus.com).

15. Methods, systems, and/or software made, used, offered for sale, or sold by Brightcove that infringe the '486 Patent include, but are not limited to, VideoCloud, eCommerce Video Platform, and/or other online video products, including videos created with or for Joyus. These videos can be and are viewed and the video players are used by users who visit various websites, including but not limited to www.joyus.com, or other third-party websites.

16. Additionally and/or in the alternative, Defendant Brightcove is inducing Joyus to infringe the '486 Patent by Joyus' use of Brightcove's servers.

17. Defendant Brightcove is thus liable for infringement of the '486 Patent pursuant to 35 U.S.C. § 271. Defendant Brightcove has written notice of its infringement by virtue of the filing and service of this Complaint.

18. Cinsay has at all times complied with 35 U.S.C. § 287.

19. To the extent that facts learned in discovery show that Defendants' infringement of the '486 Patent is or has been willful, Cinsay reserves the right to request such a finding at time of trial.

20. As a result of the Defendants' infringement of the '486 Patent, Cinsay has suffered monetary damages in an amount not yet determined.

21. Cinsay will be substantially and irreparably harmed by Defendants' infringing activities unless those activities are enjoined by this Court. Cinsay has no adequate remedy at law. As a result of Defendants' infringement, Cinsay is entitled to permanent injunctive relief, restraining and enjoining Defendants and all those in privity with or acting in concert with Defendants from infringing, inducing the infringement, and/or contributing to the infringement of the '486 Patent.

IV. COUNT TWO: INFRINGEMENT OF U.S. PATENT NO. 8,533,753

22. Cinsay is the owner by assignment of United States Patent No. 8,533,753 (“the ‘753 Patent”) entitled Interactive Product Placement System and Method Therefor. The ‘753 Patent issued on September 10, 2013. A true and correct copy of the ‘753 Patent is attached as **Exhibit B**.

23. Defendant Joyus has been and is now directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of, the ‘753 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States by, among other things, making, using, offering to sell, selling, and/or importing methods, systems, software, and/or a non-transitory computer readable medium covered by one or more claims of the ‘753 Patent within the United States, including in connection with various websites (including but not limited to www.joyus.com).

24. Methods, systems, and/or software made, used, offered for sale, or sold by Joyus that infringe the ‘753 Patent include, but are not limited to, videos with product placement. These videos can be and are viewed and the video players are used by users who visit various websites, including but not limited to www.joyus.com, or other third-party websites.

25. Additionally and/or in the alternative, Defendant Joyus is inducing Brightcove to infringe the ‘753 Patent by its direction and control of Brightcove and its activities related to various websites, including but not limited to www.joyus.com.

26. Defendant Joyus is thus liable for infringement of the ‘753 Patent pursuant to 35 U.S.C. § 271. Defendant Joyus has written notice of its infringement by virtue of the filing and service of this Complaint.

27. Defendant Brightcove has been and is now directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of, the ‘753

Patent in the State of Texas, in this Judicial District, and elsewhere in the United States by, among other things, making, using, offering to sell, selling, and/or importing methods, systems, software, and/or a non-transitory computer readable medium covered by one or more claims of the '753 Patent within the United States, including in connection with various websites (including but not limited to www.brightcove.com).

28. Methods, systems, and/or software made, used, offered for sale, or sold by Brightcove that infringe the '753 Patent include, but are not limited to, VideoCloud, eCommerce Video Platform, and/or other online video products.

29. Additionally and/or in the alternative, Defendant Brightcove is inducing Joyus to infringe the '753 Patent by Joyus' use of Brightcove's servers.

30. Defendant Brightcove is thus liable for infringement of the '753 Patent pursuant to 35 U.S.C. § 271. Defendant Brightcove has written notice of its infringement by virtue of the filing and service of this Complaint.

31. Cinsay has at all times complied with 35 U.S.C. § 287.

32. As a result of the Defendants' infringement of the '753 Patent, Cinsay has suffered monetary damages in an amount not yet determined.

33. Cinsay will be substantially and irreparably harmed by Defendants' infringing activities unless those activities are enjoined by this Court. Cinsay has no adequate remedy at law. As a result of Defendants' infringement, Cinsay is entitled to permanent injunctive relief, restraining and enjoining Defendants and all those in privity with or acting in concert with Defendants from infringing, inducing the infringement, and/or contributing to the infringement of the '753 Patent.

V. DEMAND FOR JURY TRIAL

34. Cinsay hereby demands that all issues be determined by jury.

VI. PRAYER FOR RELIEF

WHEREFORE, Cinsay prays for relief against Defendants Joyus and Brightcove as follows:

(a) A judgment that Defendants have directly infringed the '486 Patent, contributorily infringed the '486 Patent, and/or induced infringement of the '486 Patent;

(b) A judgment that Defendants have directly infringed the '753 Patent, contributorily infringed the '753 Patent, and/or induced infringement of the '753 Patent;

(c) An order for preliminary and permanent injunctive relief prohibiting Defendants, their officers, agents, servants, employees, successors, assigns, or all other persons or entities in active concert, participation, or privity with any of the foregoing, from any further acts of infringement, contributory infringement or inducement of infringement of the '486 Patent;

(d) An order for preliminary and permanent injunctive relief prohibiting Defendants, their officers, agents, servants, employees, successors, assigns, or all other persons or entities in active concert, participation, or privity with any of the foregoing, from any further acts of infringement, contributory infringement or inducement of infringement of the '753 Patent;

(e) A judgment and order requiring Defendants to pay Cinsay damages under 35 U.S.C. § 284, together with pre-judgment and post-judgment interest;

(f) A judgment and order requiring Defendants to pay Cinsay the costs of this action;
and

(g) Such other and further relief as the Court deems just and equitable.

Dated: September 10, 2013.

By: /s/ Jamil N. Alibhai

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